

On motion of Senator Edwards and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 298  
ON THIRD READING**

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 298 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**MEMORIAL RESOLUTION**

**S.R. 466** - By Montford: Memorial resolution for DeWitt P. Thompson.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 465** - By Parker: Expressing sincere appreciation to Elizabeth A. Phillips.

**S.R. 467** - By Caperton: Extending welcome to Dr. Stephen Benold, Capitol Physician for the Day.

**S.R. 469** - By Green: Expressing sincere appreciation to Nadine C. May.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 12:22 p.m. adjourned in loving memory of Kimberly Jones until 11:00 a.m. tomorrow.

**FORTY-EIGHTH DAY  
(Tuesday, April 28, 1987)**

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Lord, hear our prayer this morning. We thank Thee that we may assemble this day and that these may stand without fear and be heard on issues affecting the people of our State. May each one know in full measure that freedom belongs to one only when it belongs to all and that we are independent only when we serve each other. In His name, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 45  
S.C.R. 97  
S.B. 82  
S.B. 83  
S.B. 151  
S.B. 266  
S.B. 280  
S.B. 312  
S.B. 326  
S.B. 469  
S.B. 507  
S.B. 591  
S.B. 701  
S.B. 739  
H.C.R. 92  
H.C.R. 129  
H.C.R. 163  
H.B. 316  
H.B. 351  
H.B. 420  
H.B. 452  
H.B. 475  
H.B. 692  
H.B. 747  
H.B. 1407  
H.B. 1721

**REPORTS OF STANDING COMMITTEES**

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 234  
S.B. 1388  
S.B. 988  
S.B. 897  
S.B. 825  
H.B. 1732  
H.B. 1260  
H.B. 720  
C.S.S.B. 937  
C.S.S.B. 1424

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 891  
S.B. 889  
S.B. 1081  
S.B. 1080  
S.B. 884  
C.S.S.B. 750

**C.S.S.B. 1280****C.S.S.B. 890**

Senator Parker submitted the following report for the Committee on Education:

**S.C.R. 49****S.B. 1141 (Amended)****S.C.R. 55 (Amended)****SENATE BILLS ON FIRST READING**

On motion of Senator Tejeda and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

**S.B. 1461** by Tejeda Intergovernmental Relations  
Relating to the supplemental compensation received by the district judges in Bexar County.

**S.B. 1462** by Leedom Health and Human Services  
Relating to expediting permits issued by the Texas Air Control Board.

**S.B. 1463** by Truan Health and Human Services  
Relating to approving laboratories that perform the maternal serum alpha-fetoprotein screening test and to duties of the Texas Department of Health.

**S.B. 1464** by Jones State Affairs  
Relating to the amount of certain benefits payable by, and the rate of state contributions to, the Teacher Retirement System of Texas.

**MESSAGE FROM THE HOUSE**

House Chamber

April 28, 1987

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 93**, Requesting Congress to define clearly the U.S. Coast Guard jurisdiction over control of air emissions from marine vessels.

**H.B. 1758**, Relating to the posting of certain information by school districts.

**H.B. 58**, Relating to an exemption from vehicle registration for power sweepers.

**H.B. 1083**, Relating to prohibiting the board of directors of the Texas Low-Level Radioactive Waste Disposal Authority from contracting with a private entity to operate a disposal site.

**H.B. 570**, Relating to the operation and management of policemen's retirement systems in cities with a population of 1.2 million or more.

**H.B. 593**, Relating to the authority of a law enforcement officer to fingerprint or photograph a child taken into custody or detained when the fingerprinting or photographing is necessary to identify the child.

**H.J.R. 18**, Proposing a constitutional amendment relating to the creation, operation and financing of jail districts.

**H.B. 855**, Relating to the regulation of manufactured housing, to the regulation of persons engaged in the manufactured housing business, and to the protection of consumers of manufactured housing.

**H.B. 1018**, Relating to the notice period for cancellation or nonrenewal of workers' compensation insurance policies.

**H.B. 1030**, Relating to the due date of a royalty payment under certain leases of permanent university fund land.

**H.B. 1110**, Relating to the regulation of shorthand reporting.

**H.B. 1314**, Relating to the size of a county jail dormitory and day room.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**COMMITTEE SUBSTITUTE SENATE BILL 637  
ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 637**, Relating to the authority of a protection and advocacy system for the mentally ill to obtain certain confidential records.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 637  
ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 637** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE CONCURRENT RESOLUTION 68  
ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

**S.C.R. 68**, Establishing the Division for Oversight for Mental Health Services under the Health and Human Services Coordinating Council.

The resolution was read second time.

Senator Farabee offered the following committee amendment to the resolution:

Amend **S.C.R. 68** in the following manner:

Add the following after the first "RESOLVED" clause:

RESOLVED, that the Division be charged with monitoring state-supported mental health services for adequacy of care and for compliance with all applicable laws, with court orders, and with Texas Department of Mental Health and Mental Retardation regulations; and be it further

The committee amendment was read and was adopted viva voce vote.

The resolution as amended was adopted viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 161  
ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 161**, Relating to the release of information contained in vehicle registration records and certain records maintained by the State Department of Highways and Public Transportation and the Department of Public Safety.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **C.S.S.B. 161** by adding the following as a new SECTION 2, and renumbering all subsequent sections accordingly:

SECTION 2. Section 21(e), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

(e) The Department is authorized to provide information pertaining to an individual's date of birth, current license status, most recent address, and reported traffic law convictions and motor vehicle accidents from which the individual was charged with a traffic law violation, by date and location, occurring within the immediate past three (3) year period when requested from the records of the Department on written request and payment of a Three Dollar (\$3.00) fee by a person who submits the individual's driver's license number or his full name and date of birth and who shows a legitimate need for the information. If requests for such information be prepared in quantities of one hundred (100) or more from a single person at any one time and upon data processing request forms acceptable to the Department such information may be provided upon payment of a fee of Two Dollars and Fifty Cents (\$2.50) for each individual request. The Department is authorized to provide the record information as provided in this subsection, certified by the Custodian of Records, on payment of a Five Dollar (\$5.00) fee for each request.

The amendment was read and was adopted viva voce vote.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 161  
ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 161** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE CONCURRENT RESOLUTION 107**

Senator McFarland offered the following resolution:

**S.C.R. 107**, Declaring April 29, 1987, as "Corrections Day in Texas."

FARABEE  
McFARLAND

The resolution was read.

On motion of Senator McFarland and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

**GUEST PRESENTED**

Senator Caperton was recognized and introduced Dr. Stephen Benold of Georgetown, the Capitol Physician for the Day.

Dr. Benold received an expression of appreciation for his service and was welcomed by the Senate.

**COMMITTEE SUBSTITUTE SENATE BILL 530  
ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 530**, Relating to the preparation and delivery of certain court documents and to costs in civil suits.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **C.S.S.B. 530** by striking all below enacting clause and substituting in lieu thereof the following:

**SECTION 1.** Subchapter B, Chapter 17, Civil Practice and Remedies Code, is amended by adding Section 17.027 to read as follows:

**Sec. 17.027. PREPARATION AND SERVICE.** (a) The plaintiff or his attorney may prepare the appropriate citation for the defendant.

(b) The citation must be in the form prescribed by the Texas Rules of Civil Procedure.

(c) The citation shall be served in the manner prescribed by law.

(d) The plaintiff or his attorney shall comply with the applicable Texas Rules of Civil Procedure governing preparation and issuance of citation.

**SECTION 2.** Section 52.002, Property Code, is amended to read as follows:

**Sec. 52.002. ISSUANCE OF ABSTRACT.** (a) On application of a person in whose favor a judgment is rendered in a small claims court or a justice court or on application of that person's agent, attorney, or assignee, the judge or justice of the peace who rendered the judgment ~~(or the clerk of the court that rendered the judgment)~~ shall prepare and deliver to the applicant an abstract of the judgment.

(b) A person in whose favor a judgment is rendered in a court other than a small claims court or a justice court or the person's agent, attorney, or assignee may prepare the abstract of judgment. The abstract of judgment must be verified by the person preparing the abstract. [The justice or clerk shall certify the abstract.]

(c) If the clerk prepares the abstract, the [The] applicant for the abstract must pay the fee allowed by law.

SECTION 3. This Act takes effect September 1, 1987, and applies only to actions filed on or after that date.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Green offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 2**

- (1) Amend C.S.S.B. 530 by adding Section 3 as follows:

SECTION 3. Chapter 31, Civil Practice and Remedies Code, is amended by adding Section 31.007 to read as follows:

Sec. 31.007. PARTIES RESPONSIBLE FOR ACCOUNTING OF OWN COSTS. (a) Each party to a suit shall be responsible for accurately recording all costs and fees incurred during the course of a lawsuit, if the judgment is to provide for the adjudication of such costs. If the judgment provides that costs are to be borne by the party by whom such costs were incurred, it shall not be necessary for any of the parties to present a record of court costs to the court in connection with the entry of a judgment.

(b) A judge of any court may include in any order or judgment all costs, including the following:

- (1) fees of the clerk and service fees due the county;
- (2) fees of the court reporter for the original of stenographic transcripts necessarily obtained for use in the suit;
- (3) masters, interpreters, and guardians ad litem appointed pursuant to these rules and state statutes;
- (4) such other costs and fees as may be permitted by these rules and state statutes.

- (2) Renumber remaining sections accordingly.

The amendment to the amendment was read and was adopted viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1, the amendment as amended was adopted viva voce vote.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 530  
ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 530 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**RECORD OF VOTE**

Senator Armbrister asked to be recorded as voting “Nay” on the final passage of the bill.

**COMMITTEE SUBSTITUTE SENATE BILL 600  
ON SECOND READING**

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 600**, Relating to the authority of counties to require the provision of certain facilities and services in subdivisions; providing civil penalties.

The bill was read second time.

Question - Shall the bill be passed to engrossment?

**SENATE BILL 1016 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1016**, Relating to limitations on a school district that is granted an exception from class size limitations for certain reasons.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend **S.B. 1016** by amending Subsections (f) and (g) to read as follows:

(f) If the commissioner grants an exception to a school district under Subsection (d) of this section because of lack of personnel, until the district employs the teachers necessary to meet the class size limitations under Subsection (b) of this section the district may not fill any new noninstructional professional position or any noninstructional professional vacancy, except a vacancy for the position of superintendent and for one principal position for each campus.

(g) If the commissioner grants an exception to a school district under Subsection (d) of this section because of lack of classroom space, until the district provides the space necessary to meet the class size limitations under Subsection (b) of this section the district may not contract for any new construction except for additional classrooms and renovations or restorations of existing instructional facilities, necessary because of natural catastrophes or to meet health and safety standards.

The amendment was read and was adopted viva voce vote.

On motion of Senator Johnson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**SENATE BILL 1016 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1016** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.



**SENATE BILL 764 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 764**, Relating to offenses involving the operation of aircraft.

The bill was read second time and was passed to engrossment viva voce vote.

**SENATE BILL 764 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 764** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 600  
ON SECOND READING**

The Senate resumed consideration of the following bill on its second reading and passage to engrossment as unfinished business:

**C.S.S.B. 600**, Relating to the authority of counties to require the provision of certain facilities and services in subdivisions; providing civil penalties.

Question - Shall the bill be passed to engrossment?

Senator Santiesteban offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **C.S.S.B. 600** as follows:

On Page 2, line 9, and Page 3, line 1, delete the words "a good and sufficient bond" and replace them with the words, "letter of credit or other good and sufficient surety".

The amendment was read and was adopted viva voce vote.

Senator Santiesteban offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **C.S.S.B. 600** as follows:

On Page 6 lines 12 through 17, delete the text entirely and substitute the following: "Any owner of a tract of land who subdivides any interest in real property for residential use and who fails to file a plat in accordance with the provisions of Sections 2.401 or 2.402 of this Act shall be subject to a civil penalty of \$200 for each day a violation occurs. The county or district attorney of the county in which the violation occurs or the attorney general shall bring such action in the name of the state."

The amendment was read and was adopted viva voce vote.

Senator Santiesteban offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **C.S.S.B. 600** as follows:

On Page 6, lines 18 through 25 and on Page 7, line 1, delete the text entirely and substitute the following:

(b) Any owner who subdivides any interest in real property for residential use and who conveys an interest in said real property without filing a plat as provided in this Act commits a false, misleading, or deceptive act or practice within the meaning of Subsections (a) and (b) of Section 17.46, Business & Commerce Code, and is subject to a public or private suit brought under the provisions of the Deceptive Trade Practices-Consumer Protection Act, Subchapter E, Chapter 17, Business & Commerce Code; and the venue provisions and all remedies available in said subchapter apply to and are cumulative of the remedies of this Act.

The amendment was read and was adopted viva voce vote.

Senator Santiesteban offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend C.S.S.B. 600 as follows:

On page 1, beginning with line 54, through page 2, ending with line 7, and on page 2, lines 50-69, delete the text and substitute the following:

(7) to promulgate reasonable specifications to assure that adequate drinking water is available to residential lots in the subdivision in accordance with the applicable Rules and Regulations For Public Water Systems issued by the Texas Department of Health, and other applicable statutes, rules, and regulations regulating drinking water; provided, however, that for residential lots one-half acre or larger, if the person filing the plat can demonstrate that an adequate source of drinking water is available to each residential lot in the subdivision, he shall not be required to give a bond or provide a letter of credit to guarantee the construction of such a facility, and provided further that the provisions of this subsection do not apply to subdivisions that are made up of lots which are five acres or larger.

(8) to promulgate reasonable specifications to assure that adequate sewage facilities are available to the subdivision through either an "organized sewage disposal system" which is any publicly or privately owned system for the collection, treatment, and disposal of sewage that is operated in accordance with the terms and conditions of a valid waste discharge permit issued by the Texas Water Commission, or "private sewage facilities" in accordance with Sections 26.031 and 26.032, Water Code, and the Construction Standards for On-Site Sewerage Facilities issued by the Texas Department of Health and other applicable statutes, rules, and regulations regulating sewage facilities; provided, however, that for residential lots of one-half acre or larger, an owner who can demonstrate that a lot is physically adequate under all applicable statutes, rules, and regulations for the location of a private sewage facility to serve that lot shall not be required to give a bond or provide a letter of credit to guarantee the construction of such a facility, and provided further that the provisions of this subsection do not apply to subdivisions that are made up of lots which are five acres or greater;"

The amendment was read and was adopted viva voce vote.

On motion of Senator Santiesteban and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 600  
ON THIRD READING**

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 600 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE SENATE BILL 1148  
ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1148**, Relating to the creation, operation, and regulation of risk retention groups and purchasing groups.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1148  
ON THIRD READING**

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1148 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE SENATE BILL 1056  
ON SECOND READING**

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1056**, Relating to the production, sale, or use of falsified motor vehicle registration insignia and the alteration or removal of a motor vehicle's serial number, motor number, or manufacturer's permanent identification number; providing a penalty.

The bill was read second time.

Senator Krier offered the following amendment to the bill:

Amend C.S.S.B. 1056 as follows:

(1) On page 1, strike lines 27-31 and substitute the following:

~~[UNAUTHORIZED DISTINGUISHING SEAL].~~ (a) A person who operates a motor vehicle with a plate, symbol, tab, or other device as registration insignia that is false or that has been altered and who knows that the plate, symbol, tab, or other device is false or has been altered, commits an offense. An offense under this subsection is a Class C misdemeanor.

- (2) On page 1, line 35, strike "second" and substitute "third".
- (3) On page 1, line 59, strike "second" and substitute "third".
- (4) On page 1, line 66, strike "A" and substitute "C".
- (5) On page 2, line 8, strike "second" and substitute "third".

The amendment was read and was adopted viva voce vote.

On motion of Senator Krier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 1056 ON THIRD READING**

Senator Krier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.B. 1056 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

(Senator Brooks in Chair)

#### **SENATE BILL 919 ON SECOND READING**

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 919**, Relating to the authority of a municipality to provide for administrative adjudication of violations of city ordinances relating to parking and stopping of vehicles; providing civil penalties.

The bill was read second time.

Senator Lyon offered the following amendment to the bill:

Amend **S.B. 919** as follows:

- (1) Amend Section 3 of Article 6701d-24 to read as follows:

Sec. 3. PRESUMPTION OF OWNERSHIP. In an administrative adjudication of an offense under this article, it is presumed that the registered owner of the motor vehicle that is the subject of the administrative hearing is the person who parked or stopped the vehicle at the time and place of the offense charged, and that a Department of Motor Vehicles computer-generated record of the registered vehicle owner is prima facie evidence of its contents.

- (2) Insert an additional sentence following the second sentence of Subsection (a) of Section 4 of Article 6701d-24 to read as follows:

The citation of summons must contain a notification that the person charged with a parking or stopping offense has the right of an instant hearing, at which the issuing peace officer or authorized parking enforcement agent shall not be required to attend.

- (3) Strike Subdivision (3) of Section 5 of Article 6701d-24 and substitute in lieu thereof the following:

- (3) added fine if not paid within a specified time;

(4) Strike Section 2 in its entirety and renumber the remaining SECTION 3 and SECTION 4 as SECTION 2 and SECTION 3.

The amendment was read and was adopted viva voce vote.

On motion of Senator Tejeda and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

#### **SENATE BILL 919 ON THIRD READING**

Senator Tejeda moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 919 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

#### **COMMITTEE SUBSTITUTE HOUSE JOINT RESOLUTION 48 ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.J.R. 48**, Proposing a constitutional amendment to limit school tax increases on the residence homestead of the surviving spouse of an elderly person.

The resolution was read second time and was passed to third reading viva voce vote.

#### **COMMITTEE SUBSTITUTE HOUSE JOINT RESOLUTION 48 ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.J.R. 48 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 933 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 933**, Relating to the regulation of nepotism in government.

The bill was read second time and was passed to engrossment viva voce vote.

#### **SENATE BILL 933 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 933 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

**COMMITTEE SUBSTITUTE SENATE BILL 793  
ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 793**, Relating to public school testing and educational quality; amending the Education Code, as amended, by amending Subsection (e), Section 21.112; Subsection (b), Section 21.453; Subsection (a), Section 21.461; Subsections (a) and (c), Section 21.551; Subsections (a) and (c), Section 21.724; Subsection (a), Section 21.754; and Section 21.911; by adding Subsection (d) to Section 21.752 and Subsection (c) to Section 21.757; and by amending and renumbering Section 11.203.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 793  
ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 793** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**SENATE BILL 809 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 809**, Relating to requirement for accreditation for a school district.

The bill was read second time and was passed to engrossment viva voce vote.

**SENATE BILL 809 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 809** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Farabee, Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Farabee.

**COMMITTEE SUBSTITUTE SENATE BILL 1283  
ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1283**, Relating to the teacher career ladder and the appraisal process.

The bill was read second time.

Senator Sarpalius offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **C.S.S.B. 1283**, Section 4, by adding a subsection (e) to read as follows:

(e) A district may notify a teacher of a three to five day period in which an appraiser who is not the teacher's immediate supervisor will first observe the teacher's classroom performance. The district may notify a teacher of a three to five day period in which any other observation of the teacher's classroom performance by an appraiser will occur.

The amendment was read and was adopted viva voce vote.

Senator Green offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **C.S.S.B. 1283**, SECTION 4, Subsection (c), to read as follows:

(c) Appraisal shall be done not fewer than two times during each school year (-) for probationary teachers and for teachers on level one of the career ladder. Teachers on level two shall receive not fewer than one appraisal each year. If the result of the first observation of the school year would cause the teacher to lose the teacher's current career ladder level assignment, then the teacher will automatically receive a second observation during the fall semester, and a second appraisal to be conducted during the spring semester. The performance of a teacher who, because of unusual circumstances, is appraised only once in a particular year shall be evaluated for career ladder purposes on the basis of a single appraisal.

The amendment was read and was adopted viva voce vote.

Senator Green offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **C.S.S.B. 1283**, SECTION 3, subsection (c), to read as follows:

(c) In developing the appraisal process, the board shall provide for two appraisers for each appraisal except as provided by Section 13.303(d) of this code. One appraiser must be the teacher's supervisor and one must be, where practical, certified, licensed, or otherwise must have demonstrated expertise in the area in which the person is being appraised (a person approved by the board of trustees). An appraiser who is a classroom teacher may not appraise the performance of another classroom (a) teacher who teaches at the same school campus at which the appraiser teaches, unless it is impractical because of the number of campuses or unless the appraiser is the chairman of a department or grade level whose job description includes classroom observation responsibilities. The board shall also

provide for a uniform training program and uniform certification standards for appraisers to be used throughout the state. The board shall include teacher self-appraisal in the process.

The amendment was read.

On motion of Senator Parker, the amendment was tabled by the following vote: Yeas 21, Nays 6.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brown, Caperton, Edwards, Harris, Henderson, Johnson, Jones, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Zaffirini.

Nays: Brooks, Green, Krier, Lyon, Truan, Whitmire.

Absent: Farabee, Glasgow, Uribe, Washington.

Senator Green offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend C.S.S.B. 1283, SECTION 3, subsection (f), to read as follows:

(f) Appraisals for teachers and administrators must be detailed by category of professional skill and characteristic and must provide for separate ratings per category. The process shall be designed so that a teacher may obtain the highest rating without exhibiting all of the skills and characteristics within a single period of observation. The process shall allow for different skills, characteristics, and philosophies of education that may be used appropriately in various educational settings and to teach or evaluate special populations of students. The appraisal process shall guarantee a conference between the person who has been appraised (teacher) and appraisers, or between administrator and appraiser, after each appraisal; (and the). The conference shall be diagnostic and prescriptive with regard to remediation as needed in overall summary of performance by category and shall identify the required performance needed for advancement to the next level.

The amendment was read.

On motion of Senator Parker, the amendment was tabled by the following vote: Yeas 19, Nays 8.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Harris, Henderson, Johnson, Jones, Krier, McFarland, Montford, Parker, Santiesteban, Sarpalius, Tejeda.

Nays: Green, Leedom, Lyon, Parmer, Sims, Truan, Whitmire, Zaffirini.

Absent: Farabee, Glasgow, Uribe, Washington.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**RECORD OF VOTE**

Senator Sims asked to be recorded as voting "Nay" on the passage of the bill to engrossment.



**COMMITTEE SUBSTITUTE SENATE BILL 1283  
ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1283 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Tejada, Truan, Whitmire, Zaffirini.

Nays: Sims, Washington.

Absent: Farabee, Glasgow, Uribe.

The bill was read third time and was passed viva voce vote.

**RECORD OF VOTE**

Senator Sims asked to be recorded as voting "Nay" on the final passage of the bill.

**GUEST PRESENTED**

Senator Lyon was recognized and introduced Mr. Don Bacon, seated at the President's Rostrum.

Mr. Bacon, author of "Rayburn: A Biography", in Austin for a book-signing party tomorrow evening, was welcomed by the Senate.

**MEMORIAL RESOLUTIONS**

S.C.R. 108 - By Green: Memorial resolution for Michael Patrick Ryan.

S.R. 476 - By Farabee: Memorial resolution for Dr. Philip Alexander Carpenter.

S.R. 477 - By Farabee: Memorial resolution for Henry Black.

S.R. 479 - By Montford: Memorial resolution for Dr. Delwin Webb.

**CONGRATULATORY RESOLUTIONS**

S.C.R. 24 - By Uribe: Commending the sponsors and patrons of "Thanks to Scandinavia."

S.R. 470 - By Barrientos: Expressing gratitude to W. D. Carroll.

S.R. 471 - By Barrientos: Commending Jefferson Davis Oliver Heard.

S.R. 472 - By Barrientos: Extending congratulations to Mr. and Mrs. William Beneski on their 50th wedding anniversary.

S.R. 473 - By Barrientos: Commending Margarita Munoz Simon.

S.R. 474 - By Barrientos: Commending Mack G. Martinez, Sr.

S.R. 475 - By Barrientos: Commending Lonnie Guerrero.

S.R. 478 - By Green: Extending congratulations to the Reverend Paul Jones, Greater New Grove Missionary Baptist Church.

S.R. 480 - By Krier: Commending Dr. Manuel Phillip Berriozabal.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 12:30 p.m. adjourned until 11:00 a.m. tomorrow.

**APPENDIX**

Signed by Governor  
(April 23, 1987)

**S.C.R. 94**

(April 25, 1987)

**S.B. 39** (Effective immediately)

**S.B. 335** (Effective immediately)

Sent to Governor  
(April 28, 1987)

**S.C.R. 45**

**S.C.R. 97**

**S.B. 82**

**S.B. 83**

**S.B. 151**

**S.B. 266**

**S.B. 280**

**S.B. 312**

**S.B. 326**

**S.B. 469**

**S.B. 507**

**S.B. 591**

**S.B. 701**

**S.B. 739**

**FORTY-NINTH DAY**

(Wednesday, April 29, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Barrientos, Sims.

A quorum was announced present.

The Reverend Laura Mendenhall, Associate Pastor, Central Presbyterian Church, Austin, offered the invocation as follows:

Almighty God, we acknowledge You as creator and ruler of the universe, as creator and ruler of each one of us. We know You have a gracious plan for us and for all people—a plan which includes a full and an abundant life. As this Senate seeks to organize, regulate and plan for the people of this State, we ask that You give